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10/672,604	09/26/2003	Mathilde Benveniste	AVA04-01	3701
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CHAPIN INTELLECTUAL PROPERTY LAW, LLC			CASCA, FRED A	
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08/06/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/672,604	BENVENISTE, MATHILDE
	<b>Examiner</b>	<b>Art Unit</b>
	FRED A. CASCA	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 May 2008.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-10,12-14,16-19 and 21-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3, 5-10, 12-14, 16-19, and 21-26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. This action is in response to applicant's amendment filed on May 05, 2008. Claims 1-3, 5-10, 12-14, 16-19 and 21-26 are still pending in the present application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1-3, 5-10, 12-14, 16-19 and 21-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 1, 8, 12 and 18 were amended on October 23, 2007 include new matter that was not described in the specification. The phrases "following a first frame, subsequent frames include an acknowledgement, regardless of whether an acknowledgement is required" in claims 1, 8, 12, and 18 is not described in the specification.

Paragraph 10 of the specification states that "following a first frame, all subsequent frames comprise an acknowledgement and possibly data," which is not the same as "following a first frame, subsequent frames include an acknowledgement, *regardless of whether an acknowledgement is required*." The phrase, "*regardless of whether an acknowledgement is required*" is not mentioned in the specification.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3, 5-10, 12-14, 16-19 and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1, 8, 12 and 18 recite the limitation “following a first frame, subsequent frames include an acknowledgement, regardless of whether an acknowledgement is required”. It is not clear how an acknowledgement can be included in a frame and used for any purpose when its inclusion requirement is regardless or unnecessary. Usually an acknowledgement in a frame confirms the successful reception of an earlier frame. Specification has not defined an explanation of the acknowledgement requirement.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5-7, 12, 14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (US 2003/0161340 A1) in view of Trainin (US 2004/0120292 A) and further in view of Mansfield et al (US 6,301249 B1).

Referring to claim 1, Sherman discloses an apparatus (figure 1) comprising a receiver for receiving a first frame via a shared-communications channel (figures 1-2C, and paragraphs 33-36, 38, and 41-43, “MS101”, “wireless network”, “frame 210”); and

a processor for generating a second frame that comprises both a data payload and an acknowledgement of the receipt of said first frame (figures 1-2C and paragraphs 5, 8, 28-31 and 40, “A frame sent from the STA to the PC may include an acknowledgment of a data frame just received from the PC”, “Acknowledgements and polls may be “piggybacked” on data frames, permitting a wide variety of allowed frame sequences”, “Correct reception of RR frames received during a CCI is acknowledged in the next transmitted CC frame”, note that a second and subsequent other frames are generated that comprise data payload piggybacked with an ACK, and a processor inherently exists that generates such frames).

Sherman does not specifically disclose generating ACK of the receipt of the first frame in advance of receiving the first frame, as claimed.

Trainin discloses generating ACK of the receipt of the first frame in advance of receiving the first frame (paragraph 41, prior to issuing a response frame (e.g., the ACK Frame), the MAC device 204 performs some processing”) because generating (processing) ACKs in advance would save time when ACKs are needed to be sent.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Sherman as claimed by incorporating the teachings of Trainin for the purpose of providing a more efficient communication system.

The combo of Sherman/Trainin does not disclose following a first frame, subsequent frames include an acknowledgement, regardless of whether an acknowledgement is required.

The concepts of subsequent acknowledgements following a first frame is conventional in the art, e.g., the Stop-and-Wait ARQ and the TCP communication protocols, as Mansfield discloses the Stop-and-Wait ARQ in his invention which reads on the claimed limitation.

Mansfield discloses Stop-and-Wait ARQ where an ACK is sent for every frame transmission regardless of its requirement (Figure 1 and col. 1, lines 38-60).

It would have been obvious to one of the ordinary skills in the art at the time of invention to modify the apparatus of Sherman/Trainin by incorporating the teachings of Mansfield as claimed, for the purpose of providing an efficient communication system.

Claim 12 recites features analogous to the features of claim 1 (as rejected above). Thus, the combination of Sherman/Trainin/Mansfield discloses all elements of claim 12 (please see the rejection of claim 1 above).

Referring to claims 3, the combo of Sherman/Trainin/Mansfield discloses the apparatus and method of claim 1 and further discloses a transmitter for transmitting the second frame via the shared-communications channel (Sherman, 1-2C and paragraphs 5, 8, 28-31).

Referring to claims 5, the combo of Sherman/Trainin/Mansfield discloses the apparatus of claim 1 further comprising a host interface for receiving the data payload from the host computer (figures 1-2C and paragraphs 5, 8, 28-31).

Referring to claims 6 and 16, the combo of Sherman/Trainin/Mansfield discloses the apparatus and method of claims 1 and 12 and further disclose the second frame also comprises a poll (figures 1-2C and paragraphs 5, 8, 28-31 and 40).

Referring to claims 7 and 17, the combo of Sherman/Trainin/Mansfield discloses the apparatus and method of claims 1 and 12, and further disclose the first frame comprises an acknowledgement of the receipt of the third frame and second frame comprises an acknowledgement (figures 1-2C and paragraphs 5, 8, 28-31 and 40, note that acknowledgements can be piggybacked to any data frame to acknowledge the receipt of any previous frames).

Referring to claim 14, the combo of Sherman/Trainin/Mansfield discloses the method of claims 12 and further disclose transmitting via said shared communication channel said first frame after said receiving (Sherman, figures 1-2C and paragraphs 5, 8, 28-31).

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (US 2003/0161340 A1) in view of Trainin (US 2004/0120292 A) further in view of Mansfield et al (US 6301249 B1), and still further in view of well known prior art (MPEP 2144.03).

Referring to claim 23, the combo of Sherman/Trainin/Mansfield discloses apparatus of claims 1.

The combo fails to disclose said processor is also for one of the group consisting of coding at least one bit of said second frame, compressing at least one bit of said second frame, filtering at least one bit of said second frame and performing an application-specific operation on at least one bit of said second frame.

The examiner takes official notice of the fact that the concepts of coding (e.g., spreading, encrypting), compressing, filtering and performing application specific operations are well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the apparatus of Sherman/Trainin as claimed by incorporating the teachings of prior art for the purpose of providing a more secure communication apparatus.

8. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (US Pub. No. 2003/0161340 A1) in view of Trainin (US 2004/0120292 A) further in view of Mansfield et al (US 6301249 B1) and further in view of Chintada et al (US Pub. No. 2002/0118667 A1).

Referring to claims 2 and 13, the combo of Sherman/Trainin/Mansfield discloses the apparatus and method of claims 1 and 12.

The combo does not specifically disclose the processor is also encrypting at least one bit of said second frame.

Chintada discloses encrypting data in a frame (paragraph 35).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the combo by incorporating the teachings of Chintada for the purpose of creating a secure communication system.

9. Claims 8, 10, 18, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (US Pub. No. 2003/0161340 A1) in view of Dickson (US Pub. No. 2004/0037320 A1), and further in view of Mansfield et al (US 6301249 B1)

Referring to claim 8, Sherman discloses an apparatus (figure 1) comprising:

- (i) a first station (paragraph 5, “Hybrid Coordinator (HC)”) for:
  - (a) transmitting a first frame comprising a first poll to a second station (figures 1-2C and paragraph 5, “The HC generally grants the use of medium to a STA by polling it”); and
  - (b) transmitting a second frame comprising a first acknowledgement and a second poll to said second station (figures 1-2C and paragraphs 5, 8, 28-31, 33-38, “protocols provide centralized control of the wireless media during specified periods of time”, “IEEE 802.11 standard defines over-the-air protocols necessary to support”, “a requesting STA may transmit one frame for each CF-POLL received. The STA responds with a null data frame if there is no traffic to send”, “A frame sent from the STA to the PC may include an acknowledgement of a data frame”, “The PC may use a minimal spacing of SIFS between frame to a STA, a responding frame includes an acknowledgement using a SIFS interval between the data and acknowledgement”, “Acknowledgement and polls may be “piggybacked” on data frames,

permitting a wide variety of sequences”, note that in a contention-free protocol e.g., 802.11 standards a second frame comprising an ACK and a second poll is inherent); and

(ii) said second station for:

(a) generating said third frame comprising a data payload and a second acknowledgement (figures 1-2C and paragraphs 5, 8, 28-31, 33-38, note that in a contention-free protocol system once a channel is assigned to a portable host and the portable host starts transmitting data, the data and acknowledgements are inherently transmitted to a controlling device, e.g., the HC via a third frame. Thus, a third frame is inherently generated); and

(b) transmitting said third frame to said first station (figures 1-2C and paragraphs 5, 8, 28-31, 33-38, note that in a contention-free protocol system once a channel is assigned to a portable host and the portable host starts transmitting data, the data and acknowledgements are inherently transmitted to a controlling device, e.g., the HC via a third frame. Thus, a third frame is inherently generated and transmitted).

Sherman does not specifically disclose the second frame is available before a third frame is transmitted, third frame is generated before transmitting of the first frame, and third frame is available before said transmitting of said second frame.

Dickson discloses transmission frames can be generated beforehand and used as needed (paragraphs 32-33, and 91, “transmission frames can be generated before all of the data frames to be bundled have been received”)

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the apparatus of Sherman by incorporating the teachings of Dickson for the purpose of

providing an efficient communications system where delay is prevented since frames are generated in advance.

The combo of Sherman/Dickson does not disclose following a first frame, subsequent frames include an acknowledgement, regardless of whether an acknowledgement is required.

The concepts of subsequent acknowledgements following a first frame is conventional in the art, e.g., the Stop-and-Wait ARQ and the TCP communication protocols, as Mansfield discloses the Stop-and-Wait ARQ in his invention which reads on the claimed limitation.

Mansfield discloses Stop-and-Wait ARQ where an ACK is sent for every frame transmission regardless of its requirement (Figure 1 and col. 1, lines 38-60).

It would have been obvious to one of the ordinary skills in the art at the time of invention to modify the apparatus of Sherman/Trainin by incorporating the teachings of Mansfield as claimed, for the purpose of providing an efficient communication system.

Referring to claim 18, claim 18 defines a communication method reciting features analogous to the features of the communication apparatus defined by claim 8 (as rejected above). Thus, the combinations of Sherman/Dickson/Mansfield disclose all elements of claim 18 (please see the rejection of claim 8 above).

Referring to claim 10, the combination of Sherman/Dickson/Mansfield discloses the apparatus of claim 8 and further disclose a host computer for generating said data payload

(Sherman, figures 1-2C and paragraphs 5, 8, 28-31, 33-38, note that frames are inherently generated by a computer).

Referring to claim 21, the combinations of Sherman/Dickson/Mansfield disclose the method of claim 18 and further disclose transferring data payload from a host computer to the second station (Sherman, Figure 1).

Referring to claim 22, the combinations of Sherman/Dickson/Mansfield disclose the method of claim 18 and further disclose the second frame also comprises data (Sherman, figures 1-2C and paragraphs 5, 8, 28-31, 33-38).

**10.** Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (US Pub. No. 2003/0161340 A1) in view of Dickson (US Pub. No. 2004/0037320 A1) further in view of Mansfield et al (US 6301249 B1), and further in view of well known prior art (MPEP 2144.03).

Referring to claim 24, the combo of Sherman/Dickson/Mansfield discloses apparatus of claims 1.

The combo fails to disclose said processor is also for one of the group consisting of coding at least one bit of said second frame, compressing at least one bit of said second frame, filtering at least one bit of said second frame and performing an application-specific operation on at least one bit of said second frame.

The examiner takes official notice of the fact that the concepts of coding (e.g., spreading, encrypting), compressing, filtering and performing application specific operations are well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the apparatus of Sherman/Dickson/Joshi as claimed by incorporating the teachings of prior art for the purpose of providing a more secure communication apparatus.

11. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (US Pub. No. 2003/0161340 A1) in view of Dickson (US Pub. No. 2004/0037320 A1) further in view of Mansfield et al (US 6301249 B1), and further in view of Chintada et al (US Pub. No. 2002/0118667 A1).

Referring to claims 9 and 19, the combinations of Sherman/Dickson/Mansfield disclose the apparatus and method of claims 8 and 18.

The combination does not disclose encrypting at least one bit of said third frame before said transmitting of said first frame.

Chintada discloses encrypting data in a frame (paragraph 35).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the apparatus and method of Sherman/Dickson/Mansfield by incorporating the teachings of Chintada for the purpose of creating a secure communication system.

**12.** Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (US 2003/0161340 A1) in view of Trainin (US 2004/0120292 A) further in view of Mansfield et al (US 6301249 B1) and still further in view of well known prior art (MPEP 2144.03).

Referring to claim 25, the combo of Sherman/Trainin/Mansfield disclose the method of claim 12.

The combo fails to disclose said processor is also for one of the group consisting of coding at least one bit of said second frame, compressing at least one bit of said second frame, filtering at least one bit of said second frame and performing an application-specific operation on at least one bit of said second frame.

The examiner takes official notice of the fact that the concepts of coding (e.g., spreading, encrypting), compressing, filtering and performing application specific operations are well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the apparatus of Sherman as claimed by incorporating the teachings of prior art for the purpose of providing a more secure communication apparatus.

**13.** Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (US Pub. No. 2003/0161340 A1) in view of Dickson (US Pub. No. 2004/0037320 A1) and further in view of Chintada et al (US Pub. No. 2002/0118667) further in view of Mansfield et al (US 6301249 B1) and further in view of well known prior art (MPEP 2144.03).

Referring to claim 26, the combo of Sherman/Dickson/ Chintada/Mansfield disclose the method of claim 18.

The combo fails to disclose said processor is also for one of the group consisting of coding at least one bit of said second frame, compressing at least one bit of said second frame, filtering at least one bit of said second frame and performing an application-specific operation on at least one bit of said second frame.

The examiner takes official notice of the fact that the concepts of coding (e.g., spreading, encrypting), compressing, filtering and performing application specific operations are well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the apparatus of combo as claimed by incorporating the teachings of prior art for the purpose of providing a more secure communication apparatus.

#### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-3, 5-10, 12-14, 16-19 and 21-26 have been considered but are not persuasive.

Paragraph 10 of the specification states that "following a first frame, all subsequent frames comprise an acknowledgement and possibly data," which is not the same as "following a first frame, subsequent frames include an acknowledgement, *regardless of whether an acknowledgement is required.*" The phrase, "*regardless of whether an acknowledgement is required*" is not mentioned in the specification.

Applicant's arguments with respect to the rejection of claims 1-3, 5-10, 12-14, 16-19 under 35 USC 103(a) have been considered but are moot in view of the new ground(s) of rejection

***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED A. CASCA whose telephone number is (571)272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper, can be reached at (571) 272-7922. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617